

## UNITED STATES DISTRICT COURT NOV 15 2018

for the

Southern District of Texas

Clerk of Court

United States of America )  
 v. )  
 Jose Alejandro MARTINEZ-Hernandez )  
 DOB: 1995 COB: MEX )  
 \_\_\_\_\_ )  
 Defendant )

Case No.

M-18-2361-M

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/20/2018 in the county of Hidalgo in the Southern District of Texas, the defendant violated 18 U. S. C. § 924(a)(1)(A) and 371, an offense described as follows:

in that the defendant Jose Alejandro MARTINEZ-Hernandez did conspire to knowingly make false written statements or representations with respect to the information required to be kept in the records of a licensed Federal firearms dealer in violation of Title 18 United States Code, Sections 924(a)(1)(A) and 371.

This criminal complaint is based on these facts:

**SEE ATTACHMENT A**

Continued on the attached sheet.

Approved by David A. Lindenmuth  
  
 11/15/18

Sworn to before me and signed in my presence.

Date: 11/15/2018

City and state: McAllen, TX

  
 Complainant's signature

Vincent Rubbo - ATF Special Agent  
 Printed name and title

  
 Judge's signature  
 United States Magistrate Judge J. Scott Hacker  
 Printed name and title

**ATTACHMENT A**

I, Special Agent Vincent Rubbo, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since January 2015.

1. My duties include the investigation of violations of the Federal firearms laws. I know it to be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm(s) from a licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such dealer with respect to any fact material to the lawfulness of the sale of such firearm(s). Furthermore, it is a violation of the Federal firearms laws for a person to knowingly make any false statement or representation with respect to the information required to be kept in the records of a licensed Federal firearms dealer (FFL).
2. On September 25, 2018, MARTINEZ-Hernandez was detained by Customs and Border Protection (CBP) Officers at the Hidalgo Port of Entry, Hidalgo, TX. In a post Miranda Rights waiver interview by Homeland Security Investigations (HSI) Agents, MARTINEZ-Hernandez admitted to purchasing and delivering ammunition to a Mexican national with a B1/B2 nonimmigrant visa. MARTINEZ-Hernandez admitted to knowing it is unlawful for an immigrant visa holder to possess firearms or ammunition.
3. On October 9, 2018, ATF and HSI Agents conducted a post Miranda Rights waiver interview of MARTINEZ-Hernandez. MARTINEZ-Hernandez acknowledged that on or about May 20, 2018, he filled out an ATF Form 4473 (Firearms Transaction Record) and received the following pistols from an FFL located in Edinburg, TX, within the Southern District of Texas:
  - Pietro Beretta, Model 92A1, 9mm caliber pistol, S/N: A197034Z;
  - Pietro Beretta, Model 92FS, 9mm caliber pistol, S/N: A186755Z.
4. MARTINEZ-Hernandez stated he received money from and purchased the above referenced firearms for a co-conspirator from Mexico. MARTINEZ-Hernandez stated he was paid approximately \$800 by the co-conspirator to purchase four Beretta pistols knowing that MARTINEZ-Hernandez is not the actual buyer/transferee of the firearms. MARTINEZ-Hernandez stated he transferred the firearms to the co-conspirator(s).
5. Based upon the above information, it is alleged that MARTINEZ-Hernandez violated the Federal Firearms Laws by illegally straw purchasing firearms. MARTINEZ-Hernandez is in violation of Title 18 United States Code, Sections 924(a)(1)(A) and 371.